

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12cv443

DUSTIN M. HARLAN,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
CAROLYN W. COLVIN,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed November 21, 2013. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. It appears to the court that the parties have not filed any such objections.

After an independent and thorough review of the magistrate's memorandum, the court concludes that the recommendation to deny Plaintiff's Motion for Summary Judgment, deny the Defendant's Motion for Summary Judgment, and vacate the Commissioner's decision is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is DENIED, and the Defendant's Motion for Summary Judgment is likewise DENIED. The Commissioner's decision is hereby VACATED and this matter is REMANDED for a new hearing and further consideration consistent with the magistrate's memorandum and recommendation.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the
magistrate is hereby AFFIRMED.

Signed: December 19, 2013

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

